

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

FILED
IN CLERK'S OFFICE
U.S. DISTRICT COURT E.D.N.Y.

★ JUN 04 2019

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WILLIAM E. CUTHBERT

LONG ISLAND OFFICE

Plaintiff,

AFFIDAVIT IN OPPOSITION
BY
WILLIAM E. CUTHBERT

-against-

Doc. No. 18 Civ. 4796 (JS) (AYS)

THE TOWN OF EAST HAMPTON NEW YORK, EAST
HAMPTON TOWN POLICE OFFICERS FRANK TROTTA
AND BARRY JOHNSON

Defendants.
-----X

STATE OF NEW YORK)ss:
COUNTY OF SUFFOLK)

WILLIAM E. CUTHBERT, being duly sworn, deposes and states:

1. I am the Pro se Plaintiff in the above captioned matter.
2. I make this affidavit in support of my opposition to Defendant's Motion to Dismiss.
3. The following exhibits are relevant to my opposition to Defendant's Motion.
4. Enclosed Exhibit A my Affidavit that was attached to a motion to dismiss the underlying criminal case against me. Served and filed by my first attorney, Patrick J. Gunn Esq.
5. Enclosed Exhibit B the Prosecution's plea bargain options relayed to me by Mr. Gunn. I flat out turned them down. Then retained new Counsel, Joseph Giannini Esq.
6. Exhibit C Justice Court Decision denying Mr. Gunn's Motion to Dismiss.
7. Enclosed Exhibit D a transcript of my trial testimony. Showing I was arrested without probable cause by Police Officer Frank Trotta.

RECEIVED

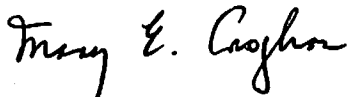
JUN 04 2019

EDNY PRO SE OFFICE

8. Enclosed Exhibit E a transcript of Police Officer Frank Trotta's trial testimony against me. Where he admits, on cross examination at page 33 line 18-21, I did not cause a public nuisance before he arrested me.
9. Enclosed Exhibit F photos taken of me and P.O. Johnson, by my friend Jana Nishida, on January 23, 2014. Showing me in custody. On the frozen ground. With P.O. Johnson pressing a knee into my back.
10. Exhibit F photos taken, of me, by Sergeant Clafin at the E.H.T Police Headquarters on January 23, 2014. Titled Possible In Custody Injuries.
11. Exhibit G photos taken of me by Jana Nishida, on January 23, 2014. Shortly after being released on Station House Bail with an Appearance Ticket. Showing injuries caused by P.O. Frank Trotta and P. O. Barry Johnson that day.
12. Enclosed Exhibit F my appellate brief prepared by Del Atwell Esq.
13. Enclosed Exhibit G my Notice of Claim dated November 10, 2017.
14. Enclosed Exhibit J a transcript of my 50h deposition dated January 24, 2018 with
ERRATA SHEET.


WILLIAM E. CUTHBERT

Sworn to this 4th
day of June 4, 2019



MARY E. CROGHAN
NOTARY PUBLIC, STATE OF NEW YORK
Registration No. 01CR6095488
Qualified in Suffolk County
My Commission Expires July 14, 2019